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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/404,233	09/23/1999	HERB BANKSTAHL	ITW-12033	8188

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EXAMINER

LAM, THANH

ART UNIT PAPER NUMBER

2834

DATE MAILED: 03/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/404,233

Applicant(s)

Bankstahl

Examiner

Thanh Lam

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jan 16, 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 19, 26, and 32-62 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 32-54 is/are allowed.
- 6) ☒ Claim(s) 1, 19, 26, and 55-62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 1/16/2002 with respect to claims 1,19, and 26 have been fully considered but they are not persuasive.

In response to applicant's argument that "bosses 22 as configured in Acker cannot provide concentric alignment of the rotor with the stator" It is note that the bosses and pins (bolts 46) of acker are parts of the combination structure (a pilot ring, a shaft for carrying rotor, generator housing, bosses and bolts) which serves for alignment the rotor with the stator. Furthermore, the combination structure of Acker cannot be alignment without the bosses and bolts. Therefore; the bosses are indirectly served for alignment the rotor with the stator.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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3. Claims 1,19,26,55-57 and 59-62 are rejected under 35 U.S.C. 102(b) as being anticipated by Acker et al.

Acker et al. disclose an engine powered generator comprising: an engine (10) has an output shaft (12) rotating about an axis; a plate/wall (18) mounted to the engine; a generator (29) mounted to the plate, including a rotor (36), a stator (40) and a housing (32), the stator is permanently secured in the housing; and a plurality of pins (46) disposed on the plate such that each of the plurality of pins contacts a surface of the housing, to concentrically align the stator with the rotor.

Regarding claim 19, the method therein is inherent given the apparatus of acker et al.

Regarding claim 26, Acker et al. disclose an engine powered generator comprising: an engine (10) having a wall (18) and an output shaft (12) rotating about an axis; wherein the wall has a plurality of pins (46) located about the axis and protruding from the wall; a generator (29) having a rotor (36), operatively connected to the output shaft and rotating about the axis, and a stator (40), secured in a housing (32); the housing having a housing surface (either lower or upper side of the housing 32 figs. 3-4); wherein the generator is located on the wall by contacting the pins with the housing surface at a first end of the housing.

Regarding claim 55, Acker et al. disclose an engine powered generator comprising: an engine (10); a plate mounted to the engine; a generator (29) mounted to the plate, including a rotor (36), a stator (40) and a housing (32), the stator is secured in the housing; and means

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(46)for contacting the surface of the housing to concentrically aligned the stator with the rotor, whereby the surface contacted is not a closed inner surface of a pilot hole (14).

Regarding claims 56 and 59, Acker et al. disclose the means for contacting includes a plurality of round pins (46) disposed on the plate.

Regarding claim 57, Acker et al. disclose a plurality of pins (46) includes at least three pins (see 22 associated pins 48 of fig. 2).

Regarding claims 60-61, Acker et al. disclose the housing has an interior housing surface, and the means for contacting contact the interior housing surface to concentrically align the stator with the rotor.

Regarding claim 56, Acker et al. disclose the housing has a circular cross section.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 57 is rejected under 35 U.S.C. 103(a) as being unpatentable over acker et al.

Acker et al. disclose the claimed invention except for the number of pins are six. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the number pins as taught by Acker et al. in order to have at least six pins, since it has

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been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

Allowable Subject Matter

6. The following is a statement of reasons for the indication of allowable subject matter: claims 32-54 has been allowed.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh Lam whose telephone number is (703) 308-7626. The fax phone number for this Group is (703) 305-3431.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0656.



Thanh Lam

March 27, 2002



Nicholas Ponomarenko
Primary Examiner
Technology Center 2800